

ACT 187

S.B. NO. 596

A Bill for an Act Relating to Hawaii Health Corps.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that many residents of Hawaii are increasingly unable to obtain timely and appropriate health care due to shortages of primary health care providers in the State, including physicians, physician assistants, and nurse practitioners. These shortages threaten the health of Hawaii's residents and affect state health care costs. These shortages have pushed the federal government to designate a number of areas in the State, particularly rural areas, as medically underserved areas, health professional shortage areas, or as having medically underserved populations.

The legislature further finds that counties in the United States with robust primary health care systems have lower costs and improved patient outcomes. Recognizing this relationship, many states have implemented budget line item support for the primary care pipeline.

Family physicians and nurse practitioners are well suited to rural practice due to their broad scope of clinical skills across the life cycle, encompassing the inpatient, outpatient, nursing home, and home setting. In addition to providing acute, chronic, and preventive care, many family physicians and nurse practitioners provide maternity care, family planning, and mental health services. With this scope of practice, family physicians and nurse practitioners are well equipped to work in teams with other health professionals to develop fully functioning patient-centered medical homes.

The University of Hawaii John A. Burns school of medicine, in association with Wahiawa general hospital, conducts a fully accredited three-year family medicine residency program. This program has contributed over sixty family physicians who currently work throughout the State of Hawaii.

The legislature further finds that the increasingly high cost of a physician's and nurse practitioner's professional education requires physicians and nurse practitioners to seek out the higher incomes that allow them to repay their student loans. However, physician and nurse practitioner salaries in rural shortage areas are often lower than those in non-shortage areas.

Loan repayment programs have been successfully used in Hawaii to increase the number of educators serving in hard-to-fill teaching positions and can also be used to encourage and enable physicians, physician assistants, and nurse practitioners to provide care in shortage areas of the State.

The purpose of this Act is to establish the Hawaii health corps, under the University of Hawaii John A. Burns school of medicine, to provide loan repayment for physicians, physician assistants, and nurse practitioners who agree to work in a county having a shortage of physicians, physician assistants, and nurse practitioners, with priority given to a rural area of that particular county.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

**“CHAPTER
HAWAII HEALTH CORPS**

§ -1 Definitions. As used in this chapter, unless the context requires otherwise:

“Loan repayment” or “repayment of loan” means the payment of up to twenty per cent of a Hawaii health corps program participant’s health care training costs including but not limited to tuition not exceeding \$35,000 per year for a maximum of five years of repayment.

“Nurse practitioner” means a person licensed as an advanced practice registered nurse under chapter 457.

“Physician” means a person licensed to practice medicine and surgery, as required by section 453-2.

“Physician assistant” means a person licensed to practice medicine under the supervision of a physician or osteopathic physician, as required by section 453-5.3.

“Residency” means a physician or nurse practitioner participating in an accredited program of post graduate study.

§ -2 Hawaii health corps program established. The Hawaii health corps program is established to encourage physicians, physicians assistants, and nurse practitioners to serve in counties having a shortage of physicians, physician assistants, and nurse practitioners, with priority given to a rural area county. The Hawaii health corps program shall be administered by the University of Hawaii John A. Burns school of medicine and the University of Hawaii at Manoa school of nursing and dental hygiene. In administering the program, the University of Hawaii John A. Burns school of medicine and the University of Hawaii at Manoa school of nursing and dental hygiene shall:

- (1) Adopt rules and develop guidelines to administer the program;
- (2) Identify and designate areas of the counties where there is a shortage of physicians, physician assistants, and nurse practitioners;
- (3) Establish criteria for the selection by the University of Hawaii John A. Burns school of medicine of physicians, physician assistants, and nurse practitioners to participate in the Hawaii rural health care provider loan repayment program;
- (4) Define and determine compliance with the service commitments of the Hawaii rural health care provider loan repayment program;
- (5) Collect and manage reimbursements from participants who do not meet their service commitments under the Hawaii rural health care provider loan repayment program;
- (6) Publicize the program, particularly to maximize participation by individuals who live in areas of a county where there is a shortage of physicians, physician assistants, and nurse practitioners;
- (7) Solicit and accept grants and donations from public and private sources for the Hawaii rural health care provider loan repayment program, including maximizing the use of federal matching funds; and
- (8) Establish criteria and procedures for calling Hawaii health corps program participants into service during a civil defense or other emergency.

§ -3 Hawaii rural health care provider loan repayment program. (a)

There is created within the Hawaii health corps program, the Hawaii rural health care provider loan repayment program to be administered by the University of Hawaii John A. Burns school of medicine and the University of Hawaii at Manoa school of nursing and dental hygiene in partnership with a lending financial institution whose operations are principally conducted in Hawaii. The Hawaii rural health care provider loan repayment program shall provide loan repayments to eligible physicians, physician assistants, and nurse practitioners who make the service commitment under subsection (b). The University of Hawaii John A. Burns school of medicine and the University of Hawaii at Manoa school of nursing and dental hygiene shall make loan repayments directly to the financial institution under subsection (b) to offset the loan repayment for which the Hawaii rural health care provider loan repayment program recipient would otherwise be liable. Loan repayments shall commence upon the commencement of loan repayments by the Hawaii rural health care provider loan repayment program recipient to the lending financial institution. The University of Hawaii John A. Burns school of medicine and the University of Hawaii at Manoa school of nursing and dental hygiene shall prioritize loan repayments in accordance with the greatest specialty shortages for the particular county.

(b) The Hawaii rural health care provider loan repayment program shall provide loan repayments on behalf of licensed physicians, physician assistants, and nurse practitioners who agree to serve for five consecutive years as a physician, physician assistant, or nurse practitioner in a county having a shortage of physicians, physician assistants, and nurse practitioners, with priority given to a rural area of that particular county; provided that eligible physicians, physician assistants, or nurse practitioners, as applicable, shall have graduated from a duly accredited medical school or nursing school within the United States; provided further that preference shall be given to graduates of the University of Hawaii John A. Burns school of medicine or the University of Hawaii at Manoa school of nursing and dental hygiene, as applicable.

(c) Eligible participants in the Hawaii rural health care provider loan program shall be determined by the University of Hawaii John A. Burns school of medicine and the University of Hawaii at Manoa school of nursing and dental hygiene on a competitive basis and in accordance with subsection (b).

(d) If a Hawaii rural health care provider loan repayment program participant fails to satisfy the recipient's service commitment under subsection (b), the Hawaii rural health care provider loan repayment program participant shall be liable for the repayment of the outstanding balance of the loan to the lending financial institution under subsection (b). In addition, the University of Hawaii John A. Burns school of medicine and the University of Hawaii at Manoa school of nursing and dental hygiene may seek reimbursement for any loan repayment made by the University of Hawaii John A. Burns school of medicine or the University of Hawaii at Manoa school of nursing and dental hygiene on behalf of the Hawaii rural health care provider loan repayment program participant.

(e) In accordance with chapter 103D, the University of Hawaii John A. Burns school of medicine and the University of Hawaii at Manoa school of nursing and dental hygiene may enter into written contracts with collection agencies to collect delinquent reimbursements of loan repayments. All payments collected, exclusive of a collection agency's commissions, shall revert and be credited to the Hawaii health corps fund. A collection agency that enters into a written contract with the University of Hawaii John A. Burns school of medicine or the University of Hawaii at Manoa school of nursing and dental hygiene to collect delinquent reimbursements of loan repayments pursuant to this sec-

tion may collect a commission from the debtor in accordance with the terms of, and up to the amounts authorized in, the written contract.

§ -4 **Hawaii health corps first responder service obligation.** If a civil defense or other emergency, proclaimed under chapter 127 or 128 occurs, physicians, physician assistants, and nurse practitioners participating in the Hawaii health corps program may be ordered into service by the governor as first responders to serve in areas of the State and in a capacity determined by the director of health.

§ -5 **Rules.** The University of Hawaii John A. Burns school of medicine and the University of Hawaii at Manoa school of nursing and dental hygiene shall adopt rules to administer this chapter. The rules shall be adopted pursuant to chapter 91, but shall be exempt from public notice and public hearing requirements.

§ -6 **Hawaii health corps revolving fund.** (a) There is established in the treasury of the State the Hawaii health corps revolving fund, which shall be administered by the University of Hawaii John A. Burns school of medicine and the University of Hawaii at Manoa school of nursing and dental hygiene, and into which shall be deposited:

- (1) Any funds appropriated by the legislature for the Hawaii rural health care provider loan repayment program;
- (2) Gifts, donations, and grants from public agencies and private persons;
- (3) Reimbursements of loan repayments under the Hawaii rural health care provider loan repayment program;
- (4) Proceeds of the operations of the Hawaii health corps program; and
- (5) Interest earned or accrued on moneys deposited into the fund.

(b) The University of Hawaii John A. Burns school of medicine and the University of Hawaii at Manoa school of nursing and dental hygiene may expend moneys from the fund for the purposes of this chapter, including the operational expenses of the Hawaii health corps program.”

SECTION 3. The University of Hawaii John A. Burns school of medicine and the University of Hawaii at Manoa school of nursing and dental hygiene shall implement the Hawaii health corps program no later than June 30, 2013.

The deans of the University of Hawaii John A. Burns school of medicine and the University of Hawaii at Manoa school of nursing and dental hygiene shall report to the legislature on the status of the Hawaii health corps program no later than twenty days prior to the convening of each regular session of the legislature, beginning with the regular session of 2013.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 28, 2012.)